

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,

Plaintiff/Counterclaim Defendant,
v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP,

Defendant/Counterclaimant.

Civil Action No. 05-CV-10945 WGY

DEFENDANT'S NOTICE OF OBJECTIONS TO EXHIBITS

Pursuant to the Procedural Order dated November 28, 2006, Defendant, Arch Lighting Group, Inc. ("ALS") submits this notice of objections to the exhibits.

On November 7, 2006, ALS filed a Motion in Limine Regarding Experts requesting an order precluding Thomas M. Lemons and Michael E. Tate from providing expert testimony. ALS objects to the following exhibits since they relate solely to the expert testimony which ALS has moved to exclude:

- A. The IESNA Lighting Handbook, Applications Volume, 1987, including p. 7-10 – 7-12
- B. The IESNA Lighting Handbook, 8th Edition, including p. 559-560
- L. Statement of Thomas M. Lemons, dated 5/18/06
- M. IESNA Lighting Handbook, 1984, including pp. 1-11, 1-14, 1-17, 1-26, 1-31 and 1-32
- N. Rebuttal Statement of Thomas M. Lemons, dated 6/5/06
- O. IESNA Lighting Handbook, 1959, including pp. 3-14, 12-14
- P. Conwed Ceiling Products Brochure (1975)
- Q. Rapid Lighting Design and Cost Estimating by Prafulla S. Sorcar, 1979, including pp. A-38, B-1, B-2, B-16, B-20, B-34, B-42, B-52 and C-22

- R. The Optical Design of Reflectors by William B. Elmer, 1980, including p. 29
- S. Expert Declaration of Thomas M. Lemons, dated 10/27/06
- T. Illustration of patient room, Exhibit E to Lemons Declaration
- U. Supplemental Expert Declaration of Thomas M. Lemons, to be produced, including all exhibits thereto
- V. Expert Report of Michael Tate, dated 10/24/06
- AA. Vista Lighting and JJI Quarterly Royalty Payments to Lightolier
- AM. Supplemental Expert Report of Michael Tate, to be produced, including all exhibits thereto

ALS objects to the following exhibits pursuant to Fed. R. Civ. P. 37(c) as a result of Genlyte Thomas Group LLC's failure to timely identify the trial exhibits in accordance with Fed. R. Civ. P. 26(a)(3). The following exhibits were identified as possible trial exhibits by Genlyte Thomas between December 5, 2006 and December 8, 2006.

- C. Settlement agreement between Genlyte and Day-O-Lite/SCW
- D. Settlement and license agreement between Genlyte and Cooper
- E. Settlement and license agreement between Genlyte and Vista
- F. Settlement agreement between Genlyte and Kenall
- G. Summary of Genlyte sales for patented products from date of inception to current
- H. Genlyte's demonstrative exhibits provided at the *Markman* hearing held on June 30, 2006
- I. Genlyte's demonstrative exhibits provided at the Summary Judgment hearing held on November 28, 2006
- J. A handheld compact fluorescent work light

K. An incandescent bulb

W. A chart summarizing Genlyte's damages, including summary of ALS' dollar sales and quantification of reasonable royalty amount of damages

X. A list of the *Georgia-Pacific* factors

Y. Charts providing further detail of the *Georgia-Pacific* factors, including a summary of Genlyte's sales and profits

Z. Lightolier Fluorescent Sales 2002-2005

AB. Lightolier price lists, effective 6/15/05, 1/2/03, 11/1/04, 9/27/02

AC. Lightolier Quotes

AD. Lightolier Fluorescent Sales Product Line 1994 through Feb. 2006

AE. Lightolier PV% for 2004 and 2005

AF. Lightolier PV% for 2001 through 6/30/2006

AG. Lightolier Fluorescent Sales 2002 through 6/2006

AH. Lightolier Analysis Package for 2006

AI. Lightolier Analysis Package for 2005

AJ. Lightolier Analysis Package for 2004

AK. Lightolier Analysis Package for 2003

AL. Lightolier Analysis Package for 2002

Respectfully submitted,

Dated: December 9, 2006

s/ Brett N. Dorny
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants, if any, by facsimile and first class mail on December 9, 2006.

s/ Brett N. Dorny
Brett N. Dorny